

#628

BILL NO. Z-97-05-08

ZONING MAP ORDINANCE NO. Z- Withdrawn

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. V-38.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an B-1-B (Limited Business)

District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana of 1974:

Part of the Southwest Quarter of the Southwest Quarter of Section 15, Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows:

Beginning at a point on the West line of the Southwest Quarter of the Southwest Quarter of Section 15, Township 31 North, Range 13 East, Allen County, Indiana, said point being 449.59 feet South of the Northwest Corner of the SW ¼ of the SW ¼ of Sec. 15-31-13; thence South along the West line of the SW ¼ of the SW ¼ of Sec. 15-31-13 a distance of 133.0 feet; thence East with a deflection angle to the left of 89 degrees 29 minutes and parallel to the North line of the SW ¼ of the SW ¼ of Sec. 15-31-13 a distance of 225.0 feet; thence North with a deflection angle to the left of 90 degrees 31 minutes and parallel to the West line of the SW ¼ of the SW ¼ of Sec. 15-31-13 a distance of 133.0 feet; thence West with a deflection angle to the left of 89 degrees 29 minutes a distance of 225.0 feet to the point of beginning containing 0.687 Acres, subject to road rights of way and easements.

and the symbols of the City of Fort Wayne Zoning Map No. V-38, as established by Section 157.016 of Title XV of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Thomas Heyburn
Councilmember

APPROVED AS TO FORM AND LEGALITY:

Timothy McCauley
J. TIMOTHY MCCAULEY, CITY ATTORNEY



The City of Fort Wayne

Paul Helmke, Mayor

May 21 1997

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-04-93, amending Chapter 157 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-97-05-08

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
21st day of May 1997

**Council action on this
recommendation must take
place prior to:
August 17, 1997.**


Linda Buskirk, President
Fort Wayne City Plan Commission

/pb

xc: File

FACT SHEET

Z-97-05-08

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

Zoning Map Amendment

APPROVAL DEADLINE

REASON

R-1 to B-1-B

DETAILS

Specific Location and/or Address

6000 Block of Maplecrest Road, on the
east side, north of St. Joe Ctr Rd.

Reason for Project

Construction of a "Dairy Queen"
restaurant.

Discussion (Including relationship to other Council actions)

19 May 1997 - Public Hearing

Petition was withdrawn at the written
request of the petitioner's agent.

Motion was made and seconded to return
the ordinance to the Common Council to
be WITHDRAWN.

Of the nine (9) members present, eight
(8) voted in favor of the motion, the
Chair did not vote.

Motion carried.

Members Present: Linda Buskirk,
Jim Dearing, Ernest Evans, DeDe Hall,
James Hoch, Charles McNagny, Richard
Pierce, Thomas Quirk, Dave Ross

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/ Proponents

Applicant(s)
Charles Leonard, Trustee
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff Recommendation

☐ For ☒ Against

Reason Against
Approval is inconsistent with
the preservation of property
values in the area.

Board or Commission Recommendation

By

☐ For ☐ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

WITHDRAW

CITY COUNCIL ACTIONS (For Council use only)

☐ Pass ☐ Other
☐ Pass (as
amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 17 April 1997

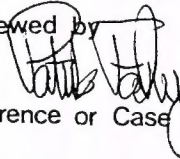
Projected Completion or Occupancy

Date 21 May 1997

Fact Sheet Prepared by

Patricia Biancaniello

Reviewed by



Reference or Case Number

Date 23 May 1997

Donovan Engineering, Inc.

Donovan Engineering, Inc.
2020 Inwood Drive
Ft. Wayne, Indiana
46815

Phone: 424-7418
Fax: 424-1918

May 19, 1997

Wayne O'Brien
Department of Planning/Land Use Management
City of Ft. Wayne Community and Economic Development
Room 830, City-County Building
One East Main Street
Ft. Wayne, Indiana 46802

Dear Wayne;

On the behalf of Jeff Gilmore, Sr., St. Joe Development Corporation, we respectfully wish to withdraw Rezoning Petition #628 from consideration by the Ft. Wayne Plan Commission at its' May 19, 1997 public hearing.

Given staff recommendations regarding the rezoning request and negative neighborhood response, we concluded that withdrawal of the request would be the wisest course of action.

Thank you for your assistance in this matter.

Sincerely,



Mary McManus, AICP
Senior Planner

Read the first time in full and on motion by Way Tunes,
and duly adopted, read the second time by title and referred to the Committee on
Legislations, (and the City Plan Commission for recommendation)
and Public Hearing to be held after due legal notice, at the Common Council Conference
Room 128, City-County Building, Fort Wayne, Indiana, on _____,
the _____ day of _____, 19____ at _____
o'clock _____ M., E.S.T.

DATED: 5-13-97.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____,
and duly adopted, placed on its passage. PASSED _____ LOST
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	_____	_____	_____	_____
BENDER	_____	_____	_____	_____
CRAWFORD	_____	_____	_____	_____
EDMONDS	_____	_____	_____	_____
HALL	_____	_____	_____	_____
HAYHURST	_____	_____	_____	_____
HENRY	_____	_____	_____	_____
LUNSEY	_____	_____	_____	_____
RAVINE	_____	_____	_____	_____
SCHMIDT	_____	_____	_____	_____

DATED: _____

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,
as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL)
(ZONING) ORDINANCE RESOLUTION NO. _____
on the _____ day of _____, 19____

ATTEST:

SEAL

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the
_____ day of _____, 19____,
at the hour of _____, o'clock _____, M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day
of _____, 19____, at the hour of _____
o'clock _____ M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR



Petition for a Zoning Map Amendment

Community & Economic Development / 1 Main Street Rm #830 / Fort Wayne IN 46802 / (219) 427-1129

I/We

do hereby petition to amend the Zoning Map of the City of Fort Wayne Indiana, by reclassifying from designation

a/an: R-1 (One-Family Residential)

to a/an: B-1B (Limited Business)

designation the property located at the common street address of: 6000 Blk. Maplecrest Road

and further described as follows: See attached legal description

(Please attach a legal description if more space is needed.)

The purpose of this rezoning is to permit the use of the property for the following: limited business use,
specifically to permit construction of a Dairy Queen Restuarant

Property Owner(s) Name(s): Charles Leonard, Trustee

Street Address: 800 S. Calhoun St.

City: Fort Wayne

State: Indiana

Zip Code: 46802

Phone: (219) 420-6000

I/We the undersigned, do hereby certify that I am/We are the owner(s) of more than fifty percent (50%) of the property described in this petition; that I/We agree to abide by all provisions of the Fort Wayne Zoning Ordinance as well as all procedures and policies of the Fort Wayne City Plan Commission as relating to the handling and disposition of this petition; and that the above information is true and accurate to the best of my/our knowledge.

Signature

Charles Leonard

Printed Name

April 16, 1997

Date

Signature

Printed Name

Date

Signature

Printed Name

Date

Notes to the Applicant:

- If additional space is needed for either a legal description, or property owners names addresses and signatures, please attach same to this form.
- All requests and deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice being submitted to the newspaper for publication.
- Filing of this petition grants the City of Fort Wayne permission to post "Official Notice" on the petitioned property. Failure to post, or to maintain posting may prevent the public hearing from being held.
- All checks should be made payable to: CITY OF FORT WAYNE.

Name and Address of preparer, attorney or agent.

Donovan Engineering, Inc.

2020 Inwood Dr.

Fort Wayne, In. 46815

(219) 424-7418

Telephone Number

Receipt #: _____

Date Filed: _____

Map #: _____

Reference #: _____

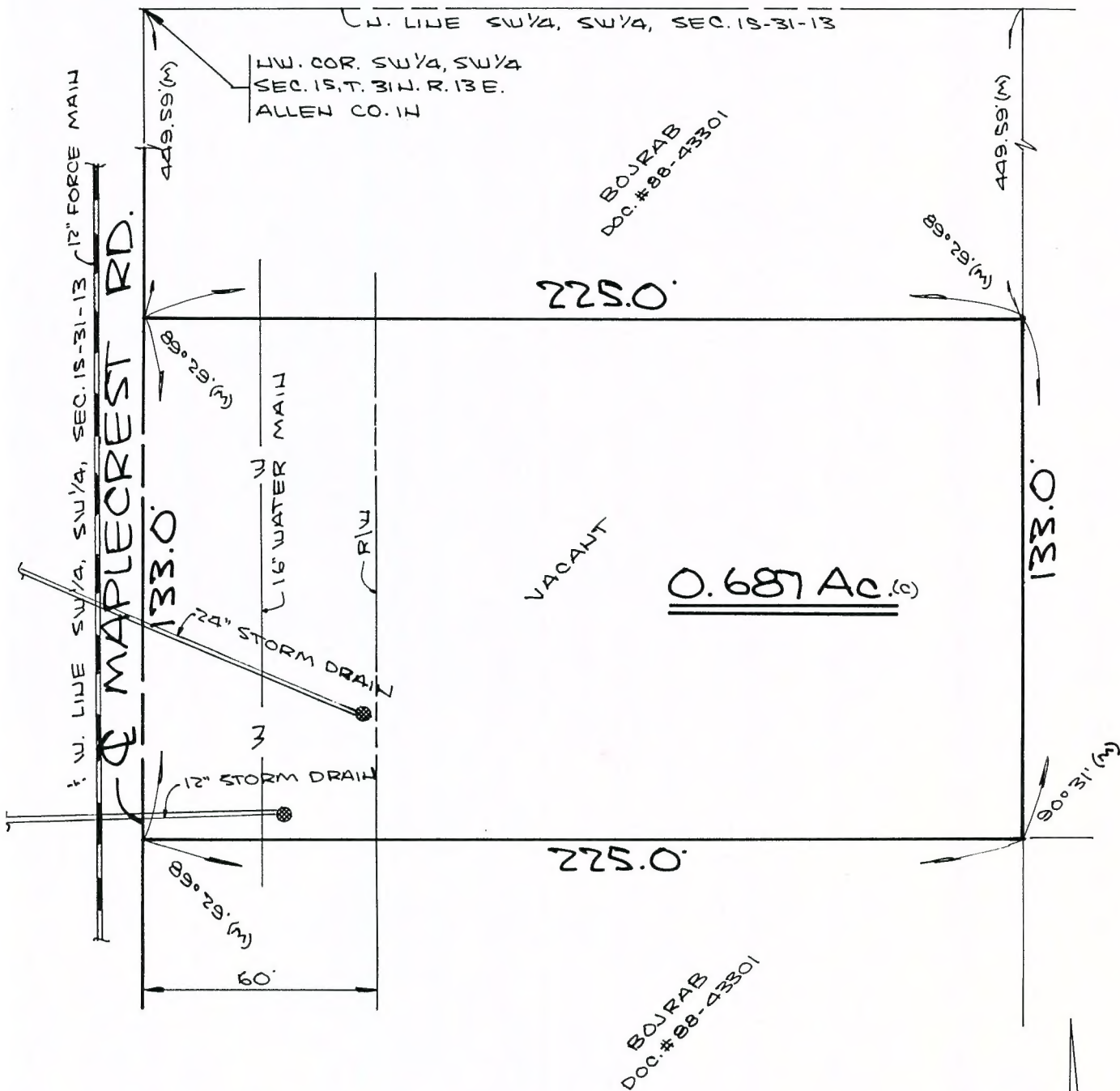
CERTIFICATE OF SURVEY

GREGORY L. ROBERTS PLS S0548 IN
KENNETH W. HARRIS PLS 9500021 IN

DONOVAN ENGINEERING INC
2020 INWOOD DRIVE
EXECUTIVE PARK
FORT WAYNE, INDIANA 46815

JOHN R. DONOVAN PE 9173 PLS 9921 IN
FRANCIS X. MUELLER PLS S0193 IN

The undersigned has made a re-survey of the real estate located in ALLEN County, Indiana, as shown and described below. The description of the real estate is as follows: **SEE ATTACHED SHEET!**



Job No. 15STJ
Job for: DAIRY QUEEN

Date: 4-15-97

LEGEND

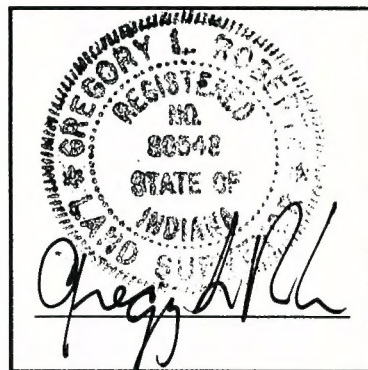
IPF	Iron Pin Found
PF	Iron Pipe Found
IPS	5/8" re-bar set (with cap stamped #0027)
PK	P.K. Nail
(M)	Measured
(R)	Recorded
(C)	Calculated

All monuments are at grade except as noted.
All property line distances are recorded
dimensions, except as noted.
Monuments found have no documented history,
except as noted.

Scale: 1" = 40'



Date of field work:



I hereby certify that this survey was completed under my direct supervision and to the best of my knowledge and belief was executed according to the survey requirements set forth in 865 IAC 1-12.

CERTIFICATE OF SURVEY

GREGORY L. ROBERTS PLS S0548 IN
KENNETH W. HARRIS PLS 9500021 IN

DONOVAN ENGINEERING INC
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Job No. 15STJ
Job for: DAIRY QUEEN

Date: 4-15-97

- LEGEND
- IPF Iron Pin Found
 - PF Iron Pipe Found
 - IPS 5/8" re-bar set
(with cap stamped #0027)
 - PK P.K. Nail
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Scale:



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RESOLUTION OF ZONING MAP AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 13, 1997 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-97-05-08.

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 19, 1997.

WHEREAS, a letter requesting **WITHDRAWAL** of the proposed ordinance has been filed with the City Plan Commission.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission May 19, 1997.

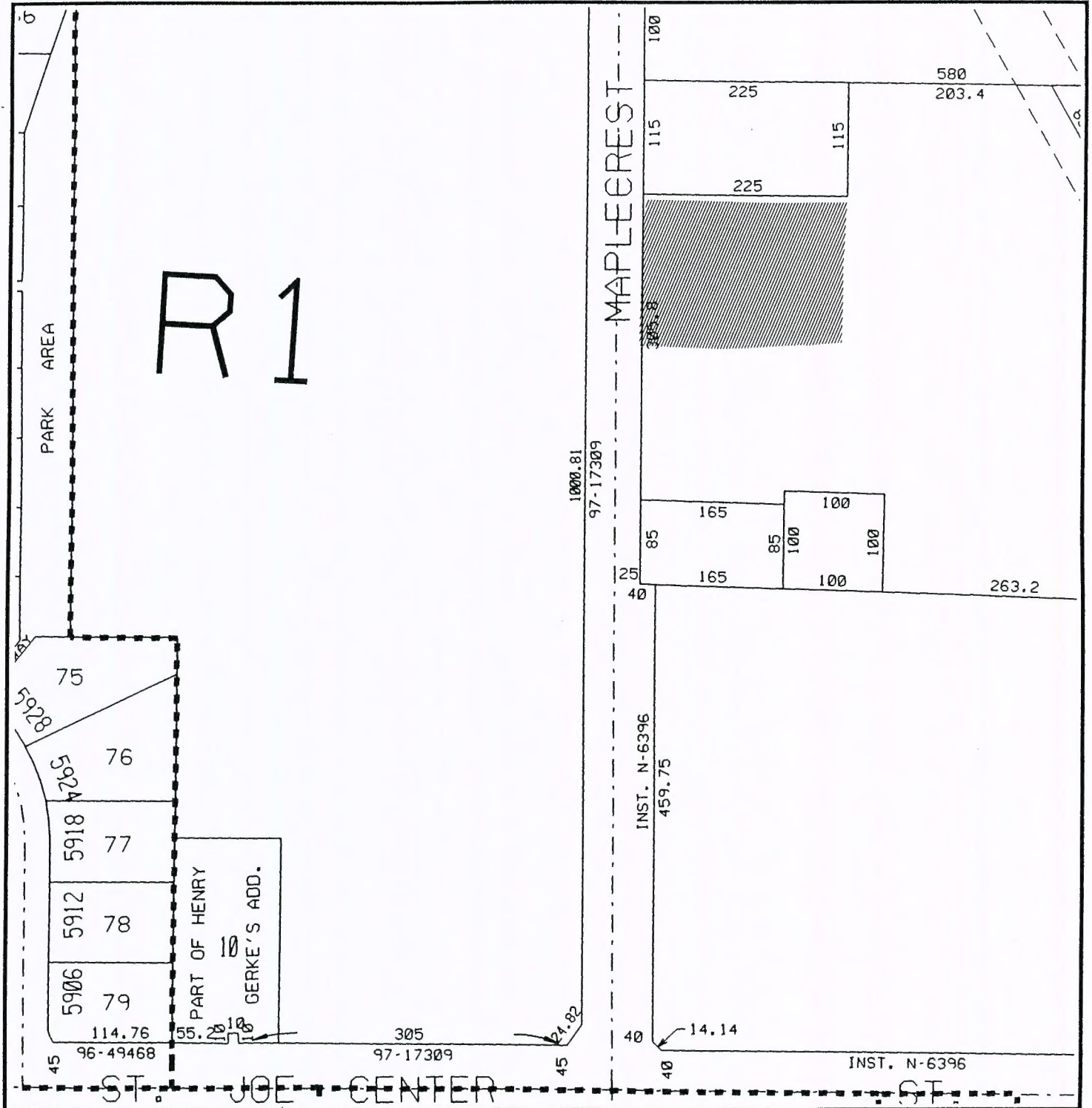
Certified and signed this
21st day of May 1997.


Linda Buskirk, President

REZONING PETITION

AREA MAP

CASE NO. #628



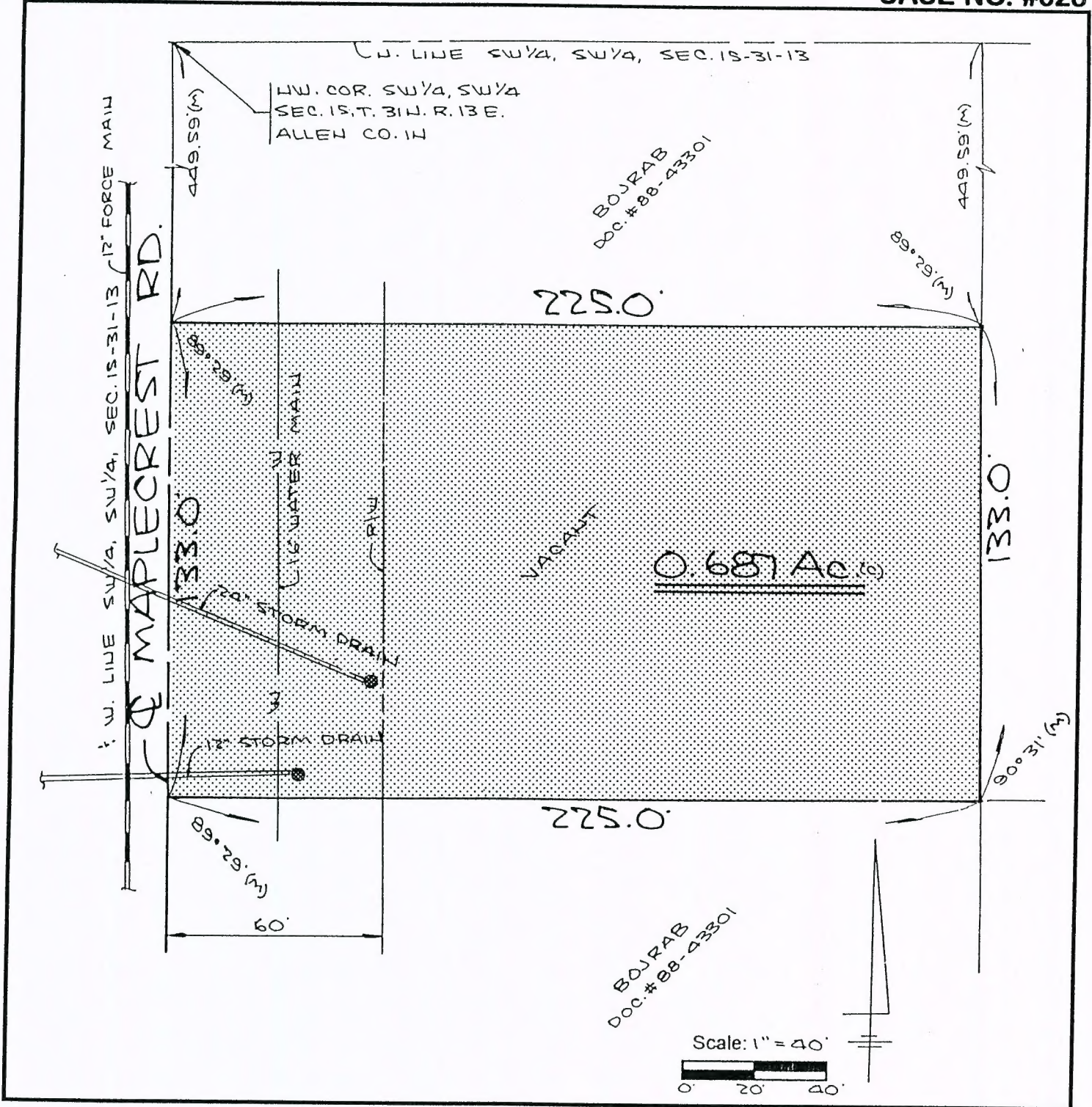
COUNCILMANIC DISTRICT NO. 2

Map No. V-38
LW4-26-97

REZONING PETITION

AREA MAP

CASE NO. #628



COUNCILMANIC DISTRICT NO. 2

Map No. V-38
LW4-26-97

ORIGINAL

ORIGINAL

#628

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 6000 Block of Maplecrest Road

Z-97-05-08

EFFECT OF PASSAGE Property is currently zoned R-1 - Single
Family Residential. Property will be zoned B-1-B - Limited
Business District.

EFFECT OF NON-PASSAGE Property will remain zoned R-1 - Single
Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____

BILL NO. 7-97-05-08

REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS E. HAYHURST - REBECCA J. RAVINE - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO
WHOM WAS REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City
of Fort Wayne Zoning Map No. V-38

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) ~~(RESOLUTION)~~

DO PASS

DO NOT PASS

ABSTAIN

NO REC

DATED:

Sandra E. Kennedy
City Clerk